

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Independent claims 1 and 16 have been amended and claim 9 canceled.

Accordingly, claims 1-8 and 10-20 remain pending for consideration.

Claims 1-20 stand rejected over Ikegawa in view of *Eichorst et al.* Applicants respectfully disagree with the conclusions reached in the December 21, 2005 Official Action and in particular, with respect to the alleged disclosure in *Eichorst et al.*

The Examiner alleges that *Ikegawa et al.* discloses a contact charger 2A having a contact charging brush 20A with brush fibers. However, the Examiner acknowledges that *Ikegawa et al.* does not teach or suggest that the contact charger has auxiliary charging particles with an acicular form.

To overcome this deficiency, the Examiner relies upon *Eichorst et al.* alleging that *Eichorst et al.* discloses a **contact charger** wherein the auxiliary charging particles have acicular forms. To support such allegation, the Examiner refers to column 5, lines 39-48. See lines 3 and 4 of page 3 of the Official Action.

However, *Eichorst et al.* clearly does not disclose a contact charger. This point was also made in the response filed on October 11, 2005, and the Examiner did not address this issue in the current Official Action. Accordingly, the outstanding Official Action fails to comply with § 707.07(f) of the Manual of Patent Examining Procedure.

In contrast to the allegations in the Official Action, *Eichorst et al.* does not disclose a contact charger. *Eichorst et al.* discloses an imaging element, such as a **film** that includes a support, an image forming layer, a transparent magnetic

recording layer, and a transparent electrically conductive layer. In one example of the imaging element of *Eichorst et al.*, the imaging layer is a silver halide photographic film. See column 5, lines 29-33. The imaging element of *Eichorst et al.* uses a magnetic recording layer so that information can be recorded simultaneously into or read from the magnetic recording layer by techniques similar to those employed for traditional magnetic recording art. See column 1, lines 34-37. *Eichorst et al.* also discloses that a conductive layer can be used on such imaging elements in order to dissipate any accumulated charges. See column 2, lines 54-58.

In relying upon *Eichorst et al.*, the Examiner refers to column 5, lines 39-48, for the teaching of the acicular particles. The Examiner alleges that *Eichorst et al.* discloses a contact charger with auxiliary charging particles having acicular forms. However, *Eichorst et al.* merely discloses a contact layer on an imaging element having acicular particles dispersed in a film forming polymeric binder. See column 5, lines 39-48. At the sections relied upon by the Examiner, *Eichorst et al.* clearly does not teach or suggest that the particles are used with a contact charger.

Since *Eichorst et al.* teaches that the acicular particles are formed in a polymeric binder film for dissipating accumulated charges in a photographic film, there is no teaching or suggestion to use such particles on a charging brush having brush fibers for charging. Accordingly, there is no teaching or suggestion to use the particles disclosed by *Eichorst et al.* on the charging brush fibers disclosed by *Ikegawa et al.*

The Official Action also states that *Eichorst et al.* discloses a particle diameter size in the range 0.05  $\mu\text{m}$  to 5  $\mu\text{m}$ . In support of this claim, the Official Action points to col. 9, lines 30-34 and col. 10, lines 7-54. Notably, these sections refer to

diameter ranges for acicular particles that are either outside Applicants' claimed ranges, see col. 9, lines 32-37, or are explicitly disfavored by *Eichorst et al.* See col. 10, lines 17-33. Accordingly, *Eichorst et al.* also does not teach or suggest particle diameters ranging from 0.05  $\mu\text{m}$  to 5  $\mu\text{m}$ . *Eichorst et al.* teaches away from this range.

In spite of the differences between the applied art and the claims, claims 1 and 16 have been amended to incorporate the subject matter of defendant claim 9. Claims 1 and 16 now recite that the auxiliary charging particles "exhibit an average adhesion amount from 0.3 mg/cm<sup>3</sup> to 20 mg/cm<sup>3</sup> in a space filled with said brush fibers." *Eichorst et al.* also does not teach or suggest this range of an adhesion amount, let alone this adhesion amount in a space filled with brush fibers of a contact charger.

The Official Action states that the claimed concentration of 0.3 mg/cm<sup>3</sup> to 20 mg/cm<sup>3</sup> is taught at col. 14, lines 38 – 67. This section of *Eichorst et al.* discloses a concentration of  $1\times 10^{-11}$  mg/mm<sup>3</sup> to  $1\times 10^{-10}$  mg/mm<sup>3</sup> of ferromagnetic particles in a magnetic layer that is used in combination with the electrically conductive layer. See col. 14, lines 33-37. It is the conductive layer in *Eichorst et al.*, not the magnetic layer, that includes acicular particles. Even assuming that these ferromagnetic particles are acicular, the disclosed range is off by a factor of  $10^7$  from Applicants' claimed range. For at least this reason, claims 1 and 16 would not have been obvious to one of ordinary skill in the art at the time of the invention. The rejections of these claims should therefore be withdrawn. Allowance of claims 1 and 16 is earnestly solicited.

Claims 2-8, 10-15 and 17-20, dependent on allowable claims 1 and 16, respectively, recite additional features of invention that distinguish over the art. Applicants therefore respectfully request withdrawal of the rejections of claims 2-8, 10-15 and 17-20 and allowance of these claims.

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at 703-838-6510 so that an interview may be arranged for purposes of expediting the disposition of this case.

Respectfully submitted,

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